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Letter dated 31 July 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 12 April 2002 (S/2002/463).

The Counter-Terrorism Committee has received the attached supplementary report from the Russian Federation, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Security Council Committee established
pursuant to resolution 1373 (2001)
concerning counter-terrorism

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Annex

Letter dated 23 July 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

[Original: Russian]

I have the honour to transmit herewith additional information in response to your letter of 18 April 2002 regarding the report submitted by the Russian Federation to the Counter-Terrorism Committee pursuant to United Nations Security Council resolution 1373 (2001) (see enclosure).

(*Signed*) G. **Gatilov**
Permanent Representative a.i.

Enclosure

Additional information provided by the Russian Federation in response to the questions prepared by the Counter-Terrorism Committee of the Security Council on the report of the Russian Federation, pursuant to Security Council resolution 1373 (2001)

Subparagraph 1 (a)

– **Please outline the amendments and additions made to the Criminal Code of the Russian Federation with reference to the requirements of resolution 1373 (2001).**

Pursuant to subparagraph 1 (a) of the resolution, the State Duma of the Federal Assembly of the Russian Federation on 28 June 2002 adopted Federal Act No. 97528-3 "On the introduction of amendments and additions to the Criminal Code of the Russian Federation". This Act establishes increased liability for the recruitment and training of terrorists and the financing of terrorist activities and organizations.

Pursuant to the Criminal Code of the Russian Federation which is in force, persons who recruit, train or finance terrorists may be considered accessories to a criminal offence and prosecuted.

Inducing a person to commit a terrorist offence (by recruiting the person) constitutes incitement and the perpetrator is held liable under the relevant article of the special section of the Criminal Code and article 33, section 4, of the Code.

If a person has facilitated the commission of a terrorist offence by means of advice, directions, the provision of information (for example, has provided training material or recommendations on how to carry out a terrorist act, or has supplied the means to carry it out—money, valuables or other assets), that person may be considered an accomplice to the offence. The liability of such a person is stipulated in the relevant article of the special section of the Criminal Code and article 33, section 5, of the Code.

– **Please explain how the federal anti-terrorism laws are implemented by the various federal units of the Russian Federation and how coordination is achieved amongst the federal agencies and the agencies of the units on the one hand and amongst the agencies of the units on the other hand.**

Coordination of anti-terrorist activity amongst the federal agencies and the agencies of the units of the Russian Federation on the one hand and amongst the agencies of the units on the other is achieved in accordance with the law. The Federal Anti-Terrorist Commission is the federal coordinating body which ensures cooperation among the units working to combat terrorism named in article 6 of the Federal Act "On measures to combat terrorism" and contained in the list of federal executive authorities involved, within their sphere of competence, in preventing, detecting and suppressing terrorist activity (confirmed by Decision No. 660 of the Government of the Russian Federation of 22 June 1999).

Investigative jurisdiction and the procedure for coordination in the investigation of terrorist offences are governed by the Code of Criminal Procedure of the Russian Federation which came into force on 1 July 2002.

Subparagraph 1 (c)

– **Please explain whether the Russian Federation is able, under its current laws, to freeze funds, financial assets and economic resources of resident and non-resident persons and entities supporting terrorism either inside the Russian Federation or outside its territory.**

Under current Russian law, a decision to freeze (attach) the accounts of persons and organizations linked to terrorist activity may be taken when criminal or civil proceedings are instituted pursuant to the procedures provided for in the Code of Criminal Procedure of the Russian Federation, the Code of Civil Procedure of the Russian Soviet Federated Socialist Republic (RSFSR) and the Federal Act "On enforcement proceedings" (No. 119 of 21 July 1997).

Such a decision may be taken by: (a) investigative bodies for criminal cases being tried; (b) a court (commercial or ordinary) in the context of civil proceedings for the introduction of a civil suit; (c) investigative and judicial bodies when they are carrying out international investigative instructions (requests) in accordance with international agreements.

The legal mechanism for freezing funds which belong to citizens and which may be used to commit criminal offences, including terrorist offences, is laid down in articles 115 and 116 of the Code of Criminal Procedure of the Russian Federation, which entered into force on 1 July 2002.

These articles provide for the possibility of attaching the accounts of both individual citizens and organizations for criminal cases being tried which involve terrorism and other related offences. The purpose of attaching an account may be to halt illegal activity, introduce a suit or permit forfeiture of property on the basis of the results of a criminal investigation.

Similarly, the question of suits against citizens or organizations which are being heard by the courts is decided according to the procedure set out in the Code of Civil Procedure of the RSFSR and the Federal Act "On enforcement proceedings".

Additional possibilities for forfeiture of the property of organizations connected with terrorism are provided for in article 25 of the Federal Act "On measures to combat terrorism" (No. 130 of 25 June 1998). Pursuant to this article, an organization may, by a court decision, be recognized as a terrorist organization and liquidated. In this case, its property is liable to be forfeited and returned to the State.

Article 27 of Federal Act No. 395-1 of 2 December 1990 "On banks and banking activity" establishes the procedure for attachment of juridical persons' monetary assets on account with, deposited with or in the safekeeping of credit institutions. Attachment may be imposed by a court, a commercial court or a judge, or by a decision of the pre-trial investigative bodies with the approval of the public prosecutor. Monetary assets and other valuables may be forfeited on the basis of a court judgement which has become enforceable.

In respect of actions to freeze, attach or forfeit accounts, Russian law does not distinguish between citizens of the Russian Federation and foreign citizens who have committed criminal offences in the Russian Federation.

– **Please provide the CTC with a progress report on, and an outline of, the draft legislation mentioned in reply to this subparagraph.**

Draft Federal Act No. 152289-3 on the introduction of amendments and additions to the Federal Act "On measures to combat terrorism", initiated by members of the State Duma, is aimed at bringing current Russian law into line with the obligations which the Russian Federation has entered into by ratifying the International Convention for the Suppression of Terrorist Bombings (1997) and the International Convention for the Suppression of the Financing of Terrorism (1999) and covers, in particular, the issues of exchange of intelligence information, compensation for damage caused by terrorist acts, and additional measures to combat illegal trade in weapons, explosives and ammunition.

Subparagraph 1 (d)

– **Is there any law in the Russian Federation governing alternative money transfer mechanisms such as Hawalah?**

Russian law does not contain legal rules governing alternative money transfer mechanisms. It does not prohibit money transfers through the banking and credit system, payment unions (such as Western Union), or by post or telegraph or via the Internet. The laws and regulations existing in this field are, in particular, Federal Act No. 176 "On postal communications" of 17 July 1999 and Decision No. 725 of the Government of the Russian Federation "On confirmation of the rules for the provision of postal communication services" of 26 September 2000.

– **Could the Russian Federation please describe what preventive controls and surveillance measures are put in place to ensure that funds and economic resources collected for religious, charitable or cultural purposes are not diverted from their stated purposes?**

Under Russian law, the activity of organizations established for religious, charitable or cultural purposes is governed by the following laws and regulations: Federal Act No. 125 of 26 September 1997 "On freedom of conscience and religious associations"; Federal Act No. 135 of 11 August 1995 "On charitable activities and charitable organizations"; and Federal Act No. 82 of 19 May 1995 "On public associations".

In accordance with these Acts, registration bodies check to ensure that the activities of the organizations in question correspond to the purposes for which they were established and which are enshrined in their statutes. In addition, public and charitable organizations submit yearly activity reports to the registration bodies.

– **Are financial institutions in the Russian Federation under any obligations to report suspicious transactions?**

In accordance with Instruction No. 500 of the Central Bank of the Russian Federation of 12 February 1999, authorized banks are obliged, on the basis of an analysis of documents submitted by the client, to submit information to the Central Bank of the Russian Federation on currency operations carried out by the client on the basis of agreements which have any of the features listed in the Instruction, namely:

(a) An agreement (contract) which does not provide for the payment by non-resident contractors of fines for the non-observance of deadlines for payment or goods delivery and also does not provide for a way of ensuring that such contractors fulfil their obligations;

(b) An agreement (contract) which provides for the export by a resident of goods (work, services, results of intellectual activity) or payments for the import of goods (work, services, results of intellectual activity) to non-residents registered in States and territories which offer preferential tax treatment and/or which do not require the disclosure and supply of information pertaining to financial transactions (offshore zones), a list of which is contained in Annex 1 to the Instruction (Instruction No. 629 of the Central Bank of the Russian Federation, edition of 23 August 1999);

(c) An agreement (contract) which provides for an advance payment to a non-resident exceeding 30 per cent of the price of the imported goods (services, work, results of intellectual activity) or exceeding a sum equivalent to US$ 100,000;

(d) A credit agreement (loan agreement) which provides for the payment by a resident to a non-resident of interest and other additional amounts exceeding in total per year 20 per cent of the basic credit (loan) sum;

(e) An agreement (contract) under which a non-resident has not completely fulfilled his or her obligations and a prepayment (advance) already made by a resident has been reimbursed;

(f) The recipient of monetary assets or goods (work, services, results of intellectual activity) is a non-resident who is not a party under the agreement (contract) providing for the import (export) of goods (work, services, results of intellectual activity) by a resident;

(g) Agreements (contracts) concluded on behalf of a resident who is a juridical person and whose period of activity lasts no longer than three months from the time of State registration.

In addition, pursuant to the Federal Act "On the prevention of the legalization of funds obtained by criminal means (money-laundering)" (No. 115 of 7 August 2001), organizations which perform operations involving money or other assets are obliged to report suspicious transactions to the responsible organ (the Committee of the Russian Federation for Financial Monitoring).

– **Are financial intermediaries outside the main financial sector (e.g. lawyers) required to report suspicious transactions to the public authorities? If so, what penalties apply if such persons omit to report, either wilfully or by negligence?**

Federal Act No. 115 sets out a list of organizations carrying out monetary operations which are subject to financial monitoring. Such organizations include credit institutions; professional participants in the securities market; insurance and leasing companies; postal and telegraphic organizations and other non-credit institutions which carry out money transfers; and pawnshops. Lawyers and other financial intermediaries are not included on this list.

If organizations which perform operations involving money or other assets and which operate on the basis of a licence violate the requirements laid down in the aforementioned Act, their licences may be revoked (nullified) in accordance with the procedure stipulated by Russian law.

Persons guilty of violating the Act bear administrative, civil and criminal liability under Russian law.

Subparagraph 2 (a)

- **Please outline the relevant provisions of the Russian Federation's laws (including any recent amendments) and procedures for regulating the manufacture, sale, possession, storage and transport of weapons and explosives within the Russian Federation.**

The manufacture, sale, possession, storage and transport of weapons and explosives within the Russian Federation are governed by a number of laws and regulations, including Federal Act No. 150 of 13 October 1996 "On weapons", Federal Act No. 128 of 8 August 2001 "On the licensing of individual types of activity", Decision No. 814 of the Government of the Russian Federation of 21 July 1998 "On measures to regulate the circulation of civilian and service weapons and ammunition therefor in the territory of the Russian Federation", Decision No. 1314 of the Government of the Russian Federation of 15 October 1997 "On confirmation of the rules governing the circulation of offensive small arms and other weapons, ammunition and cartridges therefor, and steel weapons in State paramilitary organizations", the Instruction "On the licensing of activities relating to the storage, transport and destruction of chemical weapons and the handling of toxic chemicals and waste formed during the destruction of chemical weapons" (confirmed by Decision No. 199 of the Government of the Russian Federation of 19 March 2001) and Order No. 288 of the Ministry of Internal Affairs of the Russian Federation of 12 April 1999 "On measures to implement the Decision of the Government of the Russian Federation".

Under Russian law, tougher penalties have been introduced for offences of this kind and the number of provisions providing for criminal liability has increased.

For example, article 222, section 1, of the Criminal Code of the Russian Federation establishes criminal liability for the illegal acquisition, transfer, sale, storage, transport or carrying of firearms, basic parts thereof, ammunition, explosives or explosive devices.

Sections 2 and 3 set out the defining characteristics of a conspiracy and an organized group, increasing the liability for such activity.

Section 4 establishes liability for the illegal acquisition, sale or carrying of gas or steel weapons, including throwing weapons, except in those areas where the carrying of a steel weapon is part of national dress or is connected with hunting.

Article 223 of the Criminal Code establishes criminal liability for the illegal manufacture or repair of the aforementioned types of weapon.

In order to ensure public safety and, in addition, to protect human life, health and, where appropriate, property, article 224 of the Criminal Code establishes criminal liability, in the event of serious consequences, for negligent storage of a firearm; article 225 establishes criminal liability for inadequate fulfilment of obligations to guard a firearm, ammunition, explosives or explosive devices, in the event that this leads to their theft or destruction or other serious consequences (section 1), and also for inadequate fulfilment of obligations to guard nuclear, chemical, biological or other types of weapons of mass destruction, or materials or equipment which could be used to create weapons of mass destruction, in the event that this also causes serious consequences or threatens to cause them (section 2).

The theft or extortion of weapons, ammunition, explosives or explosive devices are also criminal offences (article 226 of the Criminal Code).

In cases where violations of the rules for handling weapons, ammunition, radioactive materials, explosives or other substances and objects create an increased risk to people in the vicinity and, through negligence, this causes serious or moderately serious damage to human health, the destruction of military equipment or other serious consequences, or loss of human life, the perpetrators bear criminal liability under article 349 of the Criminal Code. The rules defining increased risk to people in the vicinity are set out in military statutes, manuals, instructions and other regulatory acts.

Article 255 of the Criminal Code establishes liability for the manufacture, acquisition or sale of chemical, biological or other types of weapons of mass destruction prohibited by the international agreements of the Russian Federation.

With regard to the regulation of the circulation of explosives and pyrotechnic articles, in accordance with the decision of the Federal Anti-Terrorist Commission of 8 February 2002 (question 3, paragraph 2, of report No. 8), the Russian Ministry of Internal Affairs has prepared draft acts "On the circulation of explosives" and "On the circulation of pyrotechnic articles for civilian purposes" and has sent them to the relevant ministries and agencies for study and submission of comments and suggestions.

- **Please explain how international trade in weapons and explosives is regulated by the Russian Federation.**

Foreign trade in manufactured articles for military use, in particular weapons and explosives, is regulated by Federal Act No. 114 of 19 July 1998 "On military and technical cooperation between the Russian Federation and foreign States".

The principal means of State regulation and implementation of the State monopoly in the field of military and technical cooperation are:

- Licensing of the development and manufacture of articles for military use;
- Specification of the procedure for the import, export, sale and/or purchase of manufactured articles for military use;
- A procedure for the authorization of activity in the field of military and technical cooperation;
- Legal and organizational regulation of this activity;
- Operation of an export control system;
- Specification of the procedure for granting Russian organizations the right to engage in foreign trade activity relating to manufactured articles for military use;
- Licensing of the import and export of manufactured articles for military use;
- Not allowing any single entity to exercise a monopoly on military and technical cooperation in the Russian Federation;
- Customs regulation;
- Coordination by the State authorities of the Russian Federation of the activity of entities involved in military and technical cooperation and implementation of proper control of this activity.

The Committee of the Russian Federation for Military and Technical Cooperation with Foreign States was set up in accordance with the aforementioned Act for the purpose of improving the efficiency of military and technical cooperation on the basis of Decree No. 1953 of the President of the Russian Federation of 1 December 2000 on "Issues of military and technical cooperation between the Russian Federation and foreign States" and Decree No. 1417 of 10 December 2001 "On the introduction of amendments and additions to the provisions and procedure confirmed by Decree No. 1953 of the President of the Russian Federation of 1 December 2000 on "Issues of military and technical cooperation between the Russian Federation and foreign States." It is the federal executive authority which implements, within its sphere of competence, decisions of the President or Government of the Russian Federation relating to the regulation and control of activity in the field of military and technical cooperation between the Russian Federation and foreign States, and also implements international agreements of the Russian Federation in the field of military and technical cooperation.

These Decrees confirm the related Instructions "On the procedure for implementing military and technical cooperation between the Russian Federation and foreign States", "On the Committee of the Russian Federation for Military and Technical Cooperation", "On the Commission on Issues of Military and Technical Cooperation between the Russian Federation and Foreign States" and "On the procedure for granting organizations in the Russian Federation the right to engage in foreign trade activity relating to manufactured articles for military use". The Decrees also establish a list of documents to be submitted by an organization in the Russian Federation to the Russian Agency for the Defence Industry (through the proper channels) to enable the Agency to consider whether to grant the organization the right to engage in foreign trade activity relating to manufactured articles for military use; a procedure for applications by foreign clients and approval of draft decisions of the President or Government of the Russian Federation or the Committee of the Russian Federation for Military and Technical Cooperation with Foreign States on deliveries of manufactured articles for military use; a procedure for the licensing in the Russian Federation of the import and export of manufactured articles for military use (the import and export of such articles are subject to control and carried out under licence); and a list of federal executive authorities responsible for coordinating activity and exercising control in the field of military and technical cooperation between the Russian Federation and foreign States and for addressing other aspects of State regulation in this field.

The Ministry of Economic Development and Trade of the Russian Federation is responsible for the following functions (Order No. 127 of the Minister of 28 December 2000): organizing the export portion of a State defence order and fulfilling the international obligations of the Russian Federation regarding control of the export of manufactured articles for military use and dual-use goods and technology for the purpose of non-proliferation of weapons of mass destruction and missiles for delivering them.

Subparagraph 2 (d)

– **Are there any legal provisions that prohibit persons who are carrying on legitimate activities in the Russian Federation from offering support to terrorism elsewhere?**

The prohibition on the provision by physical and juridical persons of funds for the commission of terrorist acts is implemented through the establishment of criminal liability of physical persons for participation in offences of a terrorist nature (articles 33 and 34 of the Criminal Code of the Russian Federation) and liability in the form of liquidation of organizations which support terrorism, pursuant to the Federal Act "On measures to combat terrorism".

In June 2002, the State Duma of the Russian Federation adopted Federal Act No. 97528-3 "On the introduction of amendments and additions to legislation of the Russian Federation", which provided for the introduction of a number of additions to the Criminal Code of the Russian Federation, establishing increased liability for creation of terrorist organizations, management of such organizations, recruitment to terrorist groups, supply of weapons and training of persons to commit offences of a terrorist nature, as well as financing of terrorist organizations.

Under this Act, the mere fact of collecting funds for the commission of terrorist offences is sufficient grounds for establishment of criminal liability.

Decree No. 393 of the President of the Russian Federation of 17 April 2002 "On measures to implement United Nations Security Council resolutions 1388 (2002) of 15 January 2002 and 1390 (2002) of 16 January 2002" prohibits the supply, sale and transfer from the territory of the Russian Federation, or by its nationals outside its territory, to members of the al-Qa'idah organization and the Taliban movement and other persons, groups, companies and organizations connected with them, of manufactured articles for military use, dual-use goods and technology, spare parts, assembled units and auxiliary equipment for such articles and goods, and prohibits the provision of technical advice and assistance related to military activities in this field.

– **What is the mechanism available for inter-agency cooperation between the authorities responsible for narcotics control, financial tracking and border control?**

Decision No. 660 of the Government of the Russian Federation of 22 June 1999 confirmed the list of federal executive authorities involved, within their sphere of competence, in preventing, detecting and suppressing terrorist activity.

Pursuant to Federal Act No. 115 "On the prevention of the legalization of funds obtained by criminal means (money-laundering)" and Decree No. 1263 of the President of the Russian Federation of 1 November 2001 "On the organ empowered to prevent the legalization of funds obtained by criminal means (money-laundering)", the Committee of the Russian Federation for Financial Monitoring was set up and began to tackle the tasks assigned to it.

The list of federal executive authorities involved, within their sphere of competence, in implementing United Nations Security Council resolution 1373 (2001) (concerning financial tracking for the purpose of preventing the financing of terrorism) is set out in Decree No. 6 of the President of the Russian Federation of 10 January 2002 "On measures to implement United Nations Security Council resolution 1373 (2001) of 28 September 2001".

On 7 May 1998, the Centre for Inter-agency Cooperation for the Suppression of Illicit Drug Trafficking was set up in the Russian Ministry of Internal Affairs, and offices for inter-agency cooperation were established in Moscow, St. Petersburg, Bryansk, Krasnodar and Vladivostok, to which officials of the Ministry of Internal Affairs, the Federal Security Service, the Federal Border Service and the State Customs Committee of the Russian Federation were recruited on a permanent basis.

The Centre devotes particular attention to promoting the formation of an organizational basis for cooperation in the units of the Russian Federation, particularly in the border regions.

An increasing number of agencies are being included as subdepartments responsible for inter-agency cooperation to combat drug smuggling. In a number of regions, officials of the Federal Service of Tax Police of the Russian Federation are being recruited to the offices with the aim of undermining the economic base of transnational drug rings. In addition, the operational possibilities of military counter-intelligence are being used more and more actively in border regions.

The Ministry of Internal Affairs, the Federal Security Service, the Federal Border Service and the State Customs Committee of the Russian Federation have been considering the question of establishing temporary subdepartments for inter-agency cooperation on the suppression of illicit drug trafficking in the border units of the Russian Federation. To date, such subdepartments have been established in 66 regions of the Russian Federation.

Moreover, in recent years, one of the ways in which the law enforcement agencies of the Russian Federation have reacted to the change in operational conditions related to illicit trafficking in narcotic substances has been to organize and carry out inter-agency strategical-preventive operations under the code name "Channel". The main objectives of the operations are:

- Identification and blocking of the channels for smuggling drugs into the Russian Federation;
- Use and maintenance of a single databank on drug traffickers and dealers and efforts to catch them in flagrante delicto;
- Further improvement of the mechanism for cooperation between regional subdepartments of the Ministry of Internal Affairs, the State Customs Committee, the Federal Border Service and the Federal Security Service of the Russian Federation in the field and similar law enforcement agencies of neighbouring States which are taking part in a given operation.

This year, the Russian Ministry of Internal Affairs considered the issue of conducting a joint inter-agency "Channel" operation in the distant approaches to the Russian borders, in particular directly at the border between Tajikistan and Afghanistan.

Discussions are currently under way with representatives of the Ministry of Internal Affairs of Finland on the signing of a joint plan for a strategical-preventive "Channel" operation at the Russo-Finnish border, with a view to identifying and blocking the channels for the supply of narcotics from the States of Central Asia through the Russian Federation to the countries of Northern Europe.

In 2001 and 2002 alone, the Centre for Inter-agency Cooperation for the Suppression of Illicit Drug Trafficking prepared and conducted 20 inter-agency "Channel" operations.

The organization and practical measures taken made it possible to detect about 5,000 drug offences. Some 1,377 kg of narcotics were seized from illicit traffic, including more than 70 kg of heroin, along with property and smuggled goods worth 4.5 million roubles or 83,000 United States dollars.

Similar operational plans have been developed and confirmed with Azerbaijan and Estonia.

Cooperation between the Federal Border Service of the Russian Federation and other federal executive authorities on combating illicit drug trafficking and on border controls is conducted in accordance with the requirements of joint orders, regulations and instructions.

In action to combat drug smuggling, the Federal Border Service of the Russian Federation cooperates closely with the Chief Directorate for Combating Illicit Drug Trafficking of the Organized Crime Division of the Russian Ministry of Internal Affairs, the Chief Directorate for Combating Smuggling of the Russian State Customs Committee, and the relevant subdepartments of the Russian Federal Security Service.

At the inter-State level, information is exchanged by the Federal Border Service of the Russian Federation with neighbouring States on an ongoing basis in accordance with bilateral and multilateral agreements on cooperation regarding State border controls, for the purpose of preventing terrorist acts and combating illicit drug trafficking and other transnational offences at the stage of early warning. Regular official meetings of border service representatives are also used for the same purpose.

In Tajikistan, to combat illicit drug trafficking, a border group from the Russian Federal Border Service cooperates at various levels with subdepartments of the State Border Control Committee of the Government of the Republic of Tajikistan, the Drug Control Agency under the Office of the President, the Tajik Ministries of Internal Affairs and Security and the State Customs Committee of the Government of the Republic of Tajikistan.

Moreover, measures to strengthen action against drug smuggling are the constant central focus of the Council of Commanders of Border Troops of Member States of the Commonwealth of Independent States (CIS).

The Federal Border Service of the Russian Federation has established close cooperation with the United Nations Office for Drug Control and Crime Prevention (ODCCP) in the Russian Federation and Belarus.

In addition to its general border control tasks, the Federal Border Service of the Russian Federation, in order to prevent identified terrorists from entering the country:

- Exercises control in the case of persons who have been denied entry to the country under established laws of the Russian Federation;
- Carries out the instructions of the law enforcement agencies and the court bailiffs service with regard to persons whose entry into and departure from the Russian Federation are restricted in the manner established by law;
- Conducts checks of persons who are reasonably suspected of involvement in the activities of terrorist organizations;

– Questions aliens and stateless persons to determine whether the purpose for which they have crossed the State border corresponds to the purpose stated in their visas issued by missions of the Russian Ministry of Foreign Affairs in other countries.

Subparagraph 2 (e)

– **Please outline the provisions of the Criminal Code dealing with terrorism and terrorist acts and punishments for terrorist offences. Please explain what are "aggravating circumstances" for these purposes.**

The Criminal Code of the Russian Federation establishes the following offences as offences of a terrorist nature: terrorism (article 205), hostage-taking (article 206), hijacking of an aircraft, sea vessel or railway train (article 211), organization of an illegal armed unit or participation in such a unit (article 208), attempts on the life of a State or public figure (article 277) and attacks on persons or agencies enjoying international protection (article 360).

The offence established by article 205 of the Criminal Code covers: (a) the causing of an explosion or the commission of arson or other acts that endanger human life, cause significant material damage or other consequences constituting a danger to the public and (b) threats to commit these acts.

Such acts presuppose particular aims: to undermine public security, terrorize people or pressure the authorities to take decisions.

The punishment under article 205, section 1, of the Criminal Code is imprisonment for a period of 5 to 10 years.

Sections 2 and 3 of article 205 establish aggravating circumstances in cases of terrorism. These include: commission of an act by a group of persons acting in conspiracy; repeated commission of acts; or commission of an act with the use of a firearm (section 2). These acts are punishable by imprisonment for a period of 8 to 15 years.

Under section 3, terrorist acts committed by an organized group or causing serious consequences (including loss of human life through negligence), and also acts involving attacks on sites where atomic energy, nuclear material, radioactive substances or radiation sources are used, are punishable by imprisonment for a period of 10 to 20 years.

Article 206 of the Criminal Code establishes liability for the taking or detention of a hostage.

Such an act is committed with the aim of coercing a State, organization or citizen to take or refrain from taking an action as a condition for the release of the hostage.

Hostage-taking is punishable by imprisonment for a period of 5 to 10 years (article 206, section 1, of the Criminal Code).

Article 206 establishes the following as aggravating circumstances in the commission of an offence: commission of an offence by a group of persons acting in conspiracy; repeated commission of offences; the use of force endangering life and health; the use of a weapon or objects used as weapons; an offence committed in the knowledge that the hostage is a minor; an offence committed in the knowledge on the part of the offender that the hostage is a pregnant woman; an offence in which

two or more hostages are involved; or an offence committed for mercenary motives or reward. These acts are punishable by imprisonment for a period of 6 to 15 years (article 206, section 2, of the Criminal Code.

The following constitute especially aggravating circumstances in cases of hostage-taking: commission of an act by an organized group or causing loss of human life or other serious consequences through negligence. The punishment in such circumstances is imprisonment for a period of 8 to 20 years.

Article 208 of the Criminal Code establishes liability for the creation of an armed unit (association, detachment, militia unit or other group) for which there is no provision in federal law, and also for the leadership of such a unit (section 1). These acts are punishable by imprisonment for a period of two to seven years.

Section 2 of article 208 establishes participation in such a unit as a criminal offence and provides for punishment in the form of restriction of liberty for up to three years, detention for up to six months or imprisonment for up to five years.

Article 277 of the Criminal Code establishes liability for an attempt on the life of a State or public figure, if the act is committed with the aim of stopping that person's State or public activities or as revenge for such activities. It is punishable by imprisonment for a period of 12 to 20 years, the death penalty (currently not pronounced or applied by the courts) or life imprisonment.

Article 360 of the Criminal Code establishes criminal liability for an attack on a representative of a foreign State or an official of an international organization enjoying international protection, and also on the offices, living quarters or means of transport of persons enjoying international protection, if these acts are committed with the aim of provoking hostilities or international tension. These acts are punishable by imprisonment for a period of three to eight years.

- **Are all the relevant provisions of the Criminal Code of the Russian Federation applicable in all the following circumstances:**

- **Acts committed outside the Russian Federation by a person who is a citizen of, or habitually resident in, the Russian Federation (whether that person is currently present in the Russian Federation or not);**

- **Acts committed outside the Russian Federation by a foreign national who is currently in the Russian Federation?**

Article 12, section 1, of the Criminal Code establishes that citizens of the Russian Federation and stateless persons habitually resident in the Russian Federation who have committed offences outside the Russian Federation are liable to prosecution under the Criminal Code if the acts committed by them are offences in the State in whose territory they were committed and if the persons have not been convicted in the foreign State.

Foreign nationals and stateless persons not habitually resident in the Russian Federation who have committed an offence outside the Russian Federation are liable to prosecution under the Criminal Code of the Russian Federation if the offence is directed against the interests of the Russian Federation or if the case is covered by an international agreement of the Russian Federation, if the persons have not been convicted in the foreign State and are prosecuted in the Russian Federation (article 12, section 3, of the Criminal Code).

Subparagraph 2 (f)

– **Is there any law in the Russian Federation that allows mutual assistance in the matters of criminal investigation and judicial proceedings?**

International cooperation by the Russian Federation in the field of criminal justice currently takes place on a number of levels and in many areas. Relations between the Russian Federation and other States regarding the provision of mutual assistance in criminal matters are based on agreements (bilateral agreements or conventions) or conditions of reciprocity.

The principle of reciprocity implies that, if the Russian Federation submits a request for legal assistance to any State, the request will include an assurance that the Russian law enforcement agencies, in accordance with international principles of mutual legal assistance in criminal justice matters, are ready to assist the competent authorities of the requested State with their requests to obtain evidence and carry out other procedural acts in territories under the jurisdiction of the Russian Federation.

Bilateral treaty relations between the Russian Federation and other countries in this field are based on existing treaties on the provision of mutual legal assistance and relevant intergovernmental agreements. These include treaties with Algeria, Azerbaijan, Canada, China, Cuba, the Democratic People's Republic of Korea, Iran, Iraq, Kyrgyzstan, Mongolia, Tunisia, Viet Nam, Yemen and Yugoslavia, and the Agreement between the Government of the Russian Federation and the Government of the United States of America on cooperation in matters of criminal law.

The Russian Federation is also party to a number of multilateral treaties and conventions on combating crime and implementing criminal justice, including the European Convention on Extradition (1957), the European Convention on Mutual Assistance in Criminal Matters (1959) and the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (1993).

It should be noted that the Russian Federation has no special law governing the provision of mutual assistance in the matters of criminal investigation and judicial proceedings. The main provisions governing the procedure for cooperation between the courts, prosecutors, investigators and bodies which conduct initial inquiries on the one hand, and the relevant competent authorities and officials of foreign States and international organizations on the other, are laid down in chapter 53 of the Code of Criminal Procedure of the Russian Federation, which came into force on 1 July 2002.

Subparagraph 2 (g)

– **Please explain how persons found to possess counterfeit identity papers are dealt with in Russian law.**

This procedure is set out in the criminal procedure and administrative law of the Russian Federation and other regulatory acts establishing the competence of the authorities and officials empowered, in particular, to check such papers.

Forgery of identity papers or other official documents granting rights or relieving the holder of obligations, for the purpose of using or selling such a document, and also the production of such a document for the same purposes, are punishable by restriction of liberty for up to three years, detention for a period of four to six months or imprisonment for up to two years. If such acts are committed

repeatedly, they are punishable by imprisonment for up to four years. The wilful use of a false document is punishable by a fine equivalent to 100 to 200 times the minimum wage or equivalent to the salary or other income of the convicted person for a period of one to two months, or compulsory labour for a period of 180 to 240 hours, or detention for three to six months. The article in question is invoked by the bodies which conduct initial inquiries and falls within the competence of the public order militia.

Under the law of the Russian Federation, persons who, when crossing the State border of the Russian Federation, are found to be holding false papers or papers belonging to another person are liable to prosecution for illegally crossing the State border of the Russian Federation, and the false papers or papers belonging to another person are confiscated and kept as material evidence for a prosecution. This offence is established by article 322 of the Criminal Code of the Russian Federation; the penalties established for offenders are a fine or imprisonment for up to five years.

Cases arising under this article are investigated by the bodies of the Russian Federal Border Service which are responsible for initial inquiries.

While awaiting trial, offenders are held in short-term remand units of the Russian Federal Border Service and remand units of the Russian Federal Security Service.

Foreign nationals and stateless persons are expelled from the Russian Federation after serving their sentences, according to the procedure established by law.

Subparagraph 3 (d)

- **Please explain how the international conventions and protocols relating to terrorism which have been ratified by the Russian Federation are incorporated into its domestic laws.**

Article 15, paragraph 4, of the Constitution of the Russian Federation states that the commonly recognized principles and norms of international law and the international treaties of the Russian Federation shall be a component part of its legal system. If an international treaty of the Russian Federation establishes principles which differ from those stipulated in domestic law, the principles of the international treaty shall apply.

Domestic law is brought into line with the provisions of the international treaties of the Russian Federation through the drafting and adoption of appropriate federal laws.

Subparagraph 3 (e)

- **Please inform the CTC of the progress of the ratification process of the remaining two universal instruments on terrorism.**

On 14 June 2002, the State Duma adopted the Federal Act "On ratification of the International Convention for the Suppression of the Financing of Terrorism (1999)".

The preparation process for ratification of the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991), which has been signed by the Russian Federation, is at an advanced stage.

– **Are all the offences set forth in the relevant international conventions and protocols included as extraditable offences in the bilateral treaties to which the Russian Federation is party?**

The provisions of bilateral international treaties of the Russian Federation governing extradition issues do not contain any lists of extraditable criminal offences. As a rule, the parties recognize as extraditable offences those for which the established punishment is imprisonment for a period of at least one year or a more serious punishment. Under current Russian law, terrorist offences belong precisely to this category of offence.

Paragraph 4

– **Has the Russian Federation addressed any of the concerns expressed in paragraph 4 of the resolution?**

Given that the concerns under consideration are becoming increasingly pressing, a number of internal affairs bodies in the units of the Russian Federation have set up special offices and departments for the detection of terrorist acts. Such subdepartments are already operating in the Ministry of Internal Affairs of the Republic of Dagestan, the Stavropol territory and the Moscow region. In the remaining subdepartments there are sections, branches and groups whose official duties include the organization of work to detect offences connected with illicit arms trafficking and criminal explosions.

In order to focus information about persons and acts of a terrorist complexion, the Russian Ministry of Internal Affairs operates relevant databases. Similar databases are operated in the Ministries of Internal Affairs and local internal affairs offices of the units of the Russian Federation.

Joint conferences and working meetings have been held—involving the responsible officials of subdepartments of the Organized Crime Division of the Russian Ministry of Internal Affairs, the relevant internal affairs offices of the city of Moscow and the Moscow region, and the Moscow air and sea transport internal affairs office—on the subject of developing joint action to combat illicit trafficking in arms, ammunition, explosives and explosive devices, and to combat criminal explosions and terrorism. Representatives of the Federal Security Service, the State Customs Committee and the Federal Service of Tax Police of the Russian Federation were invited to these events.

In 2001, the centres for forensic expertise of the Russian Ministry of Internal Affairs and similar subdepartments of the internal affairs bodies of the units of the Russian Federation held courses and seminars for officials from criminal intelligence units, officials responsible for combating organized crime, transport police officers and forensic experts, on the subject of using the results of explosives tests in the detection and investigation of criminal explosions and terrorist acts.

Cooperation has been organized between criminal intelligence units and the subdepartments of the Russian Federal Security Service on matters relating to the detection, documenting and exposure of the criminal activities of groups and individual terrorists and the supposed channels for funds and supplies of weapons.

In collaboration with the National Central Bureau of the International Criminal Police Organization (Interpol), the Russian Ministry of Internal Affairs has checked a number of reports on groups of fighters from international terrorist organizations and channels for financial assistance and is collecting analytical information on radical Muslim organizations. Information on persons and organizations involved in terrorist activities is passed on to the relevant services.

The Russian Ministry of Internal Affairs has submitted proposals to the Office of the Procurator-General of the Russian Federation regarding consideration by the Council of Heads of Government of CIS Member States of the issue of setting up a single database on seized and confiscated weapons, ammunition and explosives, and the issue of inter-agency exchange of intelligence information on transnational groupings and illicit trafficking in armaments.

The criminal intelligence units of the Russian internal affairs bodies are working on an ongoing basis to obtain information on terrorist threats, including threats against foreign nationals, and on ethnic criminal groups and extremist elements which are planning to commit terrorist acts and obtain arms, ammunition, explosives and explosive devices.

On 28 September 2001, the Russian Ministry of Internal Affairs held a working meeting with the heads of criminal intelligence from the Ministries of Internal Affairs of Armenia, Azerbaijan, Belarus, Kyrgyzstan, Tajikistan, Ukraine and Uzbekistan, the Criminal Police Department of the Ministry of Internal Affairs of Kazakhstan and the Criminal Police Office of the Ministry of Internal Affairs of Moldova on the status of cooperation between the Ministries of Internal Affairs of the CIS Member States regarding the detection of especially serious offences, searches for criminals, information exchange, and measures to strengthen such cooperation.

Measures have recently been taken to revitalize special operations designed to seize arms, ammunition and explosives from illicit traffic and arrest persons who use them when committing offences.

In the field of criminal intelligence, three large-scale and 137 regional strategical-preventive "Arsenal" operations were organized and carried out in 1999-2001, resulting in the following seizures from illicit traffic: 20,501 firearms, including 2,313 with a rifled barrel, 1,787 grenades and mines, more than 364,000 cartridges of various calibres and more than two tonnes of explosives. Some 76 such operations were carried out in 2001 alone.

Measures have been taken to reinforce canine units. The number of specialist dog-handlers with sniffer dogs trained to detect explosives increased from 551 in 1999 to 937 in 2001. With their help, more than 1.6 tonnes of explosives and 495 explosive devices were detected and confiscated in 2001.

In conjunction with the subdepartments of the Russian Federal Security Service, command-post exercises, special tactical exercises and training are being carried out on cooperation between forces and the pooling of resources involved in operations to arrest armed criminals; free hostages from buildings, means of transport and aircraft; and repel attacks and prevent terrorist acts directed at strategically important sights. For example, in St. Petersburg in 2000, the subdepartments of the Russian Federal Security Service and the local internal affairs offices of the city of St. Petersburg and the Leningrad region conducted joint exercises on developing cooperation between security and internal affairs bodies

when offences of a terrorist nature, in particular hostage-taking, are committed. Similar command-post exercises took place in Karachaevo-Cherkessia in 2001.

One of the most important areas of action to combat terrorism — as is the case for any other type of offence, is the detection of terrorist acts committed and the investigation of and arrest of the perpetrators. The closest cooperation in this regard is that between the Federal Security Service and the Ministry of Internal Affairs of the Russian Federation.

In order to improve coordination and strengthen action against international terrorism, the Russian Federation, together with the other member States of the Shanghai Cooperation Organization, is playing an active role in the establishment of the Organization's regional anti-terrorist structure. In addition, the issues mentioned above are systematically discussed at meetings of the Russian Federation-Council of Europe expert working group, the Council of Europe Multidisciplinary Group on International Action against Terrorism and the Rome and Lyon groups of the Group of Eight (G-8), and at meetings with representatives of the Financial Action Task Force on Money Laundering (FATF).